

Message Text

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46

ACTION L-03

INFO OCT-01 ARA-10 ISO-00 PER-03 AID-05 IGA-02 A-01 /025 W

----- 064347

R 201150Z AUG 76

FM AMEMBASSY LA PAZ

TO SECSTATE WASHDC 2034

UNCLAS LA PAZ 6572

FOR L

E.O. 11652: N/A

TAGS: OGEN

SUBJECT: LEGAL DETERMINATION OF TERMINOLOGY "EMPLOYEES
OR PERSONNEL OF UNITED STATES GOVERNMENT"

1. IT WOULD BE APPRECIATED IF THE LEGAL ADVISOR WOULD CLARIFY FOR THE EMBASSY WHETHER THE TERM "EMPLOYEE" OR "PERSONNEL" OF THE GOVERNMENT OF THE UNITED STATES AS EMPLOYED IN THE BILATERAL AGREEMENTS ON TECHNICAL COOPERATION (TC AGREEMENT OF MARCH 14, 1951 AND THE EXCHANGE OF NOTES OF AUGUST 27, 1953) CAN PROPERLY BE INTERPRETED TO INCLUDE INDIVIDUALS CONTRACTED DIRECTLY BY THE AID MISSION IN BOLIVIA UNDER PERSONAL SERVICES CONTRACTS. THE EXACT LANGUAGE OF THE AMENDMENT OF THE BILATERAL IS "ALL PERSONNEL OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA, WHETHER EMPLOYED DIRECTLY BY IT OR UNDER CONTRACT WITH A PUBLIC OR PRIVATE ORGANIZATION----". THE QUESTION APPEARS TO TURN ON WHETHER THE AID MISSION CAN BE CONSTRUED AS THE GOVERNMENT OF THE UNITED STATES.

2. THE EMBASSY IS CONCERNED ABOUT THE ASSUMPTION ON WHICH THE AID MISSION HAS BEEN OPERATING FOR A LONG TIME THAT IT CAN BESTOW UPON INDIVIDUALS, FOR WHOSE SERVICES IT CONTRACTS DIRECTLY, TAX-EXEMPT AND DUTY-FREE STATUS. THERE IS NO CHALLENGE OR QUESTION FROM THE GOB AT THIS TIME, BUT THE FOREIGN MINISTRY HAS BEEN TIGHTENING ITS ADMINISTRATION OF PRIVILEGES IN MANY AREAS. THE EMBASSY WISHES TO HAVE THESE CONTRACTS DRAWN IN ACCORDANCE WITH A DEPARTMENTAL LEGAL INTERPRETATION.

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Disposition Event:
Disposition History: n/a
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